

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12226-EFH

\*\*\*\*\*  
WILLIAM FOLEY,  
Plaintiff

v.

ALCATEL USA, INC.,  
Defendant

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\* U.S. DISTRICT COURT  
\* DISTRICT OF MASS.  
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**PLAINTIFF'S THIRD MOTION FOR EXTENSION OF TIME TO FILE  
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

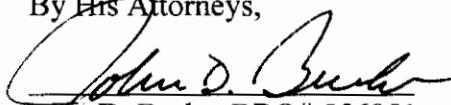
Now comes the Plaintiff, William Foley, and respectfully requests that the Court allows him to and including December 2, 2005, to file his opposition to the Defendant's Motion for Summary Judgment. As grounds for his requested extension, the Plaintiff states that:

1. The present time for filing Plaintiff's Opposition to Defendant's Motion for Summary Judgment is November 4, 2005.
2. On October 27, 2005, the parties verbally agreed to the settlement of the instant matter and the Plaintiff is awaiting a formal Settlement Agreement and Release from the Counsel for the Defendant. It is expected that the Settlement Agreement and Release will be provided by Counsel for the Defendant in the near future.
3. In order to allow for the execution of the Settlement Agreement and Release, the Plaintiff is requesting that the Court extend the time in which he may respond to the Defendant's Motion for Summary Judgment to and including December 2, 2005.

4. The Defendant, by its attorney, T. Christopher Donnelly, has assented to this motion.

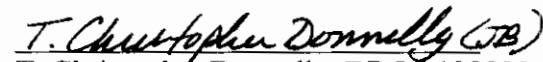
For all of the above-stated reasons, the Plaintiff requests that his motion be allowed.

For the Plaintiff,  
**WILLIAM FOLEY**,  
By His Attorneys,



John D. Burke, BBO# 556951  
Gabriel O. Dumont, Jr., BBO# 137820  
Dumont, Morris And Burke, PC  
14 Beacon Street  
Suite 300  
Boston, Massachusetts 02108  
(617) 227-7272

For the Defendant,  
**ALCATEL USA, INC.**  
By Its Attorneys,



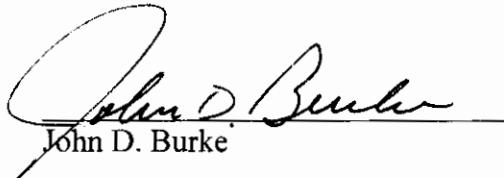
T. Christopher Donnelly, BBO# 129930  
Donnelly, Conroy & Gelhaar, LLP  
One Beacon Street  
Boston, Massachusetts 02108  
(617) 720-2880

Sharan Leslie Goolsby  
Counsel to Alcatel USA, Inc.

**CERTIFICATE OF SERVICE**

I, John D. Burke, hereby certify that I served this document upon counsel for the Defendant, T. Christopher Donnelly, Esq., and Sharan Goolsby, Esq., by U.S. Mail, postage prepaid, on this 2nd day of November 2005.

Signed under oath.



John D. Burke